No. 415.

Motion to advance.

Filed Mar. 1, 1901.

Supreme Court, U. S.
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MAR 1 1901
Clerk.

In the Supreme Court of the United States.

OCTOBER TERM, 1900.

THE INTERSTATE COMMERCE COMMISSION, appellant,
v.
THE CHICAGO, BURLINGTON AND QUINCY Railroad Company et al., appellee.

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MOTION TO ADVANCE.

In the Supreme Court of the United States.

OCTOBER TERM, 1900.

THE INTERSTATE COMMERCE COMMISSION, appellant,
v.
THE CHICAGO, BURLINGTON AND QUINCY Railroad Company et al., appellee.
No. 415.

MOTION TO ADVANCE.

The Solicitor-General, at the request and on behalf of the appellant in the above-entitled cause, respectfully moves the court to advance the same on the docket for hearing at an early day during the next term, on the following grounds:

1. The case is a proceeding in equity under section 16 of the act to regulate commerce, for the enforcement of an order of the appellant, the Interstate Commerce Commission, against the appellees, and that section of the law provides that the courts "shall proceed to hear and determine" such cases speedily as courts of equity.

2. The appellant is a bureau or department of the Government, and the case presents questions of general public interest, and involves matter affecting the raisers of live stock in all of the territory lying between the Mississippi River and the Rocky Mountains, and the Canadian line and the Gulf of Mexico.

3. Among other things, the case involves the lawfulness of a $2 terminal charge imposed by the appellees, in addition to the through rate, upon each carload of live stock delivered at the Union Stock Yards in Chicago. The Interstate Commerce Commission, upon full hearings, had found the terminal rate to be unreasonable and unlawful, because the service for which it was nominally imposed was in part embraced in and covered by the through rate.

The number of persons directly interested herein is very large. As the appellees continue to impose and collect the charge denounced by the Commission the cattle raisers will be practically remediless respecting the terminal charge so collected even if this court shall ultimately sustain the conclusions reached by the Commission.

Notice of this motion has been served upon counsel for the appellees, and proof of service filed with the clerk.

JOHN K. RICHARDS,
Solicitor-General.

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